

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION**

IN RE:

**Laila Qadeerah Goggans,
AKA Abdul Zahir,**

Debtor

**Laila Qadeerah Goggans,
AKA Abdul Zahir,**

MOVANT,

VS.

Martinelli Investigations, Inc.

RESPONDENT.

* CASE NO.: **16-70358-BEM**

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* CHAPTER: **7**

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**Civil Action File No.
16-M-24967**

MOTION TO AVOID JUDICIAL LIEN

COMES NOW Debtor, **Laila Qadeerah Goggans**, and through counsel moves for an order avoiding a lien held by Respondent pursuant to 11 U.S.C. Section 522(f) and alleges the following:

1.

Respondent obtained a judgment against the Debtor on or about November 2016 in the Magistrate Court of Gwinnett County, and the amount of that judgment lien on the petition date was \$1,000.00.

2.

Pursuant to 11 U.S.C. Section 522 and O.C.G.A. 44-13-100, Debtor properly claimed as exempt on Schedule C, including all allowed amendments to schedule C, the following property:

Fill in this information to identify your case:

Debtor 1	Laila Qadeerah Goggans		
	First Name	Middle Name	Last Name
Debtor 2 (Spouse if, filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:	NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION		
Case number (if known)	16-70358		

☐ Check if this is an amended filing

Official Form 106C

Schedule C: The Property You Claim as Exempt

4/16

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. Using the property you listed on *Schedule A/B: Property* (Official Form 106A/B) as your source, list the property that you claim as exempt. If more space is needed, fill out and attach to this page as many copies of *Part 2: Additional Page* as necessary. On the top of any additional pages, write your name and case number (if known).

For each item of property you claim as exempt, you must specify the amount of the exemption you claim. One way of doing so is to state a specific dollar amount as exempt. Alternatively, you may claim the full fair market value of the property being exempted up to the amount of any applicable statutory limit. Some exemptions—such as those for health aids, rights to receive certain benefits, and tax-exempt retirement funds—may be unlimited in dollar amount. However, if you claim an exemption of 100% of fair market value under a law that limits the exemption to a particular dollar amount and the value of the property is determined to exceed that amount, your exemption would be limited to the applicable statutory amount.

Part 1: Identify the Property You Claim as Exempt

1. Which set of exemptions are you claiming? Check one only, even if your spouse is filing with you.

- ☒ You are claiming state and federal nonbankruptcy exemptions. 11 U.S.C. § 522(b)(3)
- ☐ You are claiming federal exemptions. 11 U.S.C. § 522(b)(2)

2. For any property you list on *Schedule A/B* that you claim as exempt, fill in the information below.

Brief description of the property and line on <i>Schedule A/B</i> that lists this property	Current value of the portion you own <small>Copy the value from <i>Schedule A/B</i></small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
2001 Toyota Solara Car Line from <i>Schedule A/B</i> : 3.1	\$2,400.00	<input checked="" type="checkbox"/> \$2,400.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(3)
2007 Acura MDX 47000 miles Car Line from <i>Schedule A/B</i> : 3.2	\$18,125.00	<input checked="" type="checkbox"/> \$2,600.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(3)
2006 Toyota Sienna Car Line from <i>Schedule A/B</i> : 3.3	\$4,500.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(3)
1999 Mitsubishi Montero Sport 204000 miles Car Line from <i>Schedule A/B</i> : 3.4	\$3,000.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(3)
Furniture in Storage Line from <i>Schedule A/B</i> : 6.1	\$2,000.00	<input checked="" type="checkbox"/> \$2,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(4)

Debtor 1 **Laila Qadeerah Goggans**Case number (if known) **16-70358**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own <small>Copy the value from Schedule A/B</small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Phone Line from Schedule A/B: 7.1	\$100.00	<input checked="" type="checkbox"/> \$100.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(4)
China Line from Schedule A/B: 8.1	\$1,000.00	<input checked="" type="checkbox"/> \$1,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Clothes Line from Schedule A/B: 11.1	\$500.00	<input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(4)
Costume Jewelry, 3 Gold Rings, Line from Schedule A/B: 12.1	\$500.00	<input checked="" type="checkbox"/> \$500.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(5)
Cash Line from Schedule A/B: 16.1	\$50.00	<input checked="" type="checkbox"/> \$50.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Checking: Delta Federal Credit Union Line from Schedule A/B: 17.1	\$150.00	<input checked="" type="checkbox"/> \$150.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Savings: Delta Federal Credit Union Line from Schedule A/B: 17.2	\$5.00	<input checked="" type="checkbox"/> \$5.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Pre-Paid: Wall Mart Line from Schedule A/B: 17.3	\$70.00	<input checked="" type="checkbox"/> \$70.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Rush Card: Chase Line from Schedule A/B: 17.4	\$80.00	<input checked="" type="checkbox"/> \$80.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Checking: Piedmont Plus Federal Credit Union Line from Schedule A/B: 17.5	\$0.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Savings: Piedmont Plus Federal Credit Union Line from Schedule A/B: 17.6	\$0.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Checking: Woodforest Line from Schedule A/B: 17.7	\$0.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)

Debtor 1 **Laila Qadeerah Goggans**

Case number (if known) **16-70358**

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own <small>Copy the value from Schedule A/B</small>	Amount of the exemption you claim <small>Check only one box for each exemption.</small>	Specific laws that allow exemption
Savings: Woodforest National Bank Line from Schedule A/B: 17.8	\$0.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)
Ken Nugent Personal Injury Settlement Line from Schedule A/B: 33.1	\$5,392.97	<input checked="" type="checkbox"/> \$5,392.97 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6) Debtor Reserves the Right to Amend and Exempt
Ken Nugent Personal Injury Settlement Line from Schedule A/B:	\$4,392.97	<input checked="" type="checkbox"/> \$4,392.97 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	O.C.G.A. § 44-13-100(a)(6)

3. **Are you claiming a homestead exemption of more than \$160,375?**

(Subject to adjustment on 4/01/19 and every 3 years after that for cases filed on or after the date of adjustment.)

☒ No

☐ Yes. Did you acquire the property covered by the exemption within 1,215 days before you filed this case?

☐ No

☐ Yes

3.

The value of each claimed exemption in the above property, as shown on Schedule C, is equal to or greater than the market value of that property, as accurately reflected on Schedules A and B.

4.

Debtor also owns a 2001 Toyota Solara automobile, which has a value of \$2,400.00, an amount equal to or less than the claimed exemption. Debtor also owns a 2007 Acura MDX automobile, which has a value of \$18,125.00, an amount equal to or more than the claimed exemption. Debtor also owns a 2006 Toyota Sienna automobile, which has a value of \$4,500.00, an amount equal to or more than the claimed exemption. Debtor also owns a 1999 Mitsubishi Monterro Sport automobile, which has a value of \$3,000.00, an amount equal to or more than the claimed exemption. Debtor is not attempting to avoid Respondent's lien against the vehicle because debtor asserts that, under Georgia Law, Respondent's F.I.F.A. does not attach to the vehicle – an issue which properly will be decided through the claims allowance process.

WHEREFORE, Debtor is entitled to entry of an Order avoiding Respondent's lien against the exempt property, as set forth above.

Respectfully submitted
CLARK & WASHINGTON, LLC

/s/_____
Farnaz Ghaffarisaravi, GA Bar No. 868131

CLARK & WASHINGTON, LLC
3300 Northeast Expressway
Building 3
Atlanta, GA 30341
(404) 522-2222

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Civil Action File No.

16-M-24967

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**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO
AVOID JUDICIAL LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that a Motion to avoid a judicial lien on exempt property pursuant to 11 U.S.C. Section 522 has been filed in the above-styled case on 09/29/2017.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2 NDGA, the Respondent must file a response to the Motion within 21 days after service, exclusive of the day of service, and serve a copy of same on Movants. In the event no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

Respectfully submitted
CLARK & WASHINGTON, LLC

/s/_____
Farnaz Ghaffarisaravi, GA Bar No.
868131

CLARK & WASHINGTON, LLC
3300 Northeast Expressway
Building 3
Atlanta, GA 30341
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Debtor

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CERTIFICATE OF SERVICE

I certify that I have this date served the following parties with a copy of the within "Notice Of Requirement Of Response To Motion To Avoid Judicial Lien On Exempt Property And Of Time To File Same" and "Motion To Avoid Judicial Lien" by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed to:

Dale R. F. Goodman

Chapter 7 Trustee
Suite 106
3833 Roswell Road
Atlanta, GA 30342

Martinelli Investigations, Inc.

485 S. Perry St
Lawrenceville, GA 30046

Laila Goggans

8104 Webb Rd #3405
Riverdale, GA 30274

Martinelli Investigations, Inc.

Reg. Agent: Robin Martinelli, CEO
485 S. Perry St, #D
Lawrenceville, GA 30046

Dated: 09/29/2017

/s/

Farnaz Ghaffarisaravi, GA Bar No.
868131

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